IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 22667 of 1999

Between:

D.Ranga Swamy S/o.Raja Ram
Head Clerk, Munsiff Magistrate's Court, Peddapally, Karimnagar District

..... PETITIONER

AND

1 The Registrar (Administration)
A.P.High Court, High Court Buildings, Hyderabad
2 District and Sessions Judge,
District Court, Karimnagar
3 Government of A.P.,
rep.by its Principal Secretary, Law & Affairs, Secretariat,
Hyderabad.
4 K.Mallesam S/o.not known to petitioner, Sheristhadar,
Sub-Court, Huzurabad, Kurnool District
5 M.A.Saleem S/o.not known to petitioner, Sheristhadar,
III Addl. Cum L.R.A.T.Karimnagar
6 K.Narayana S/o.not known to petitioner, Sheristadar,
Sub-Court, Karimnagar.
7 Sri.P.Bhoopathi, S/o.not known to petitioner, Translator,
District Court, Karimnagar, Karimnagar District
8 Sri.L.Seetharam, S/o.not known to petitioner, Head Clerk,
Manthani, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or orders or directions particularly in the nature of Writ of Mandamus declaring the orders of the second respondent promoting the unofficial respondents 7 and 8 as illegal, arbitrary and contrary to law, much less discriminative in nature without considering the case of the petitioner and consequently directing the 2nd respondent to promote the petitioner as Sheristadar over and above the 4th respondent by reviewing the entire promotions issued on 13/01/1999 as well as on 20/10/99 with all consequential, service and monetary benefits from the date his junior is promoted as Sheristadar.

Counsel for the Petitioner:MR.M.V.RAJA RAM

Counsel for the Respondent Nos.1 and 2: MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: 3 to 6: None appeared.

Counsel for the Respondent No.7: Sri Y.Krishna Reddy

Counsel for the Respondent No.8: None appeared.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

On 24th October, 1999, this writ petition was filed by the petitioner seeking a writ of mandamus to declare the action of the second respondent in promoting respondents 7 and 8 ignoring his claim as illegal, arbitrary and contrary to law. Consequently, he sought a direction against the second respondent to promote the petitioner as Sheristhadar over and above the fourth respondent by reviewing the

promotion orders dated 13-1-1999 as well as 20-10-1999 with consequential monetary benefits.

Counter affidavit of the second respondent says that on the retirement of B.Johnson on 28th February, 1997 and of Bande Ali Baig on 31st July, 1997, two posts of Sheristadars have fallen vacant and the petitioner has wrongly alleged that vacancies occurred on 28th February, 1996 and 1st July, 1996. Affidavit in reply narrates status of the departmental proceedings initiated against the petitioner even before arising of the two vacancies. On his failure to supervise and for indiscipline in work as Head Clerk and due to failure in checking cases and misleading the court, departmental proceedings were initiated against the petitioner, which resulted in issuing final show cause notice for removal from service. In an earlier writ petition, the punishment imposed was set aside and the case was remanded for taking action afresh. Again a final show cause notice was issued to the petitioner on 20th October, 1999 calling upon him to show cause within ten days why punishment of with-holding two annual grade increments with cumulative effect be not imposed against him. It was served upon the petitioner on 25th October, 1999 and on his request, time was extended for submitting his explanation and ultimately penalty was imposed upon the petitioner of with holding one increment without cumulative effect by orders dated 5-1-2000. As such, when the aforesaid two posts fell vacant, the petitioner was facing departmental enquiry and ultimately punishment was imposed upon him and for that reason, the petitioner was not promoted on the due dates. In that view of the matter, we see no reason to interfere in this case with the promotions already made.

Accordingly we proceed to dismiss the writ petition with direction to the 2nd respondent that in case against future vacancies as and when they arose, the petitioner's case was not considered, the 2nd respondent will consider the case of the petitioner for being promoted in accordance with law.

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DEVINDER GUPTA, CJ

18-8-2004

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C.V.RAMULU, J

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To

1 The Registrar (Administration)
A.P.High Court, High Court Buildings, Hyderabad
2 District and Sessions Judge,
District Court, Karimnagar
3 The Principal Secretary, Government of A.P.,
Law & Legislative Affairs, Secretariat,
Hyderabad.

4. 2 CCs to the Standing Counsel for the High Court of A.P., High Court

Buildings, Hyderabad (OUT).

5. 2 CD copies.